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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,837	10/15/2003	Wook-Yeon Hwang	1293.1927	9855
49455 7590 05/14/2008 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
LAMB, CHRISTOPHER RAY				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
05/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/684,837	<b>Applicant(s)</b> HWANG ET AL.
<b>Examiner</b> Christopher R. Lamb	<b>Art Unit</b> 2627

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see NOTE below.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit 2627

Note 11. Applicant makes numerous arguments, but none are persuasive. Each will be addressed.

First, Applicant argues that Osakabe does not disclose reproducing a test signal from one a plurality of tracks. This argument is irrelevant, since Osakabe was not relied upon for this feature. As noted in the previous Office Action, the rejection was a 103, and Shoji '131 was relied upon for this portion of the claims.

Next, Applicant argues that Shoji '131 (which Applicant refers to as Shoji '166, because that is the number of the translated document) does not disclose "wherein the quality of the reproduced radio frequency signal is effected by writing in a plurality of tracks. Applicant specifically argues that because Shoji '131 discloses test writing to four tracks and playing back all of them, it does not disclose wherein a "quality of the radio frequency signal reproduced from one of the plurality of tracks in which the test write pattern is recorded and which is effected by writing in adjacent tracks." However, Shoji discloses that writing in one track affects the next track in paragraph 103, and that recording in adjacent tracks "has the effect of determining the optical recording power with consideration for adjacent tracks" in paragraph 105, so it definitely meets the effected portion of the claim. If Shoji reads from four tracks, then it reads from one of the tracks, and therefore it meets the current claim language. The language does not forbid reading from more than one track.

Next, Applicant argues that Shoji '609 does not disclose wherein "write pattern elements of the write pattern are optimized." Applicant argues that their claimed write pattern elements are inside of each mark, and that Shoji '609 discloses shifting the edges of the mark as a whole. First, the claim does not define "write pattern elements" in this way, so this argument is not germane to the claim; furthermore, it is certainly reasonable to consider the beginning and end of each write pattern to be a "write pattern element," and this is what Shoji '609 shifts.

Applicant's next argument is difficult to understand, but Applicant appears to be arguing that Osakabe in view of Shoji '131 and Shoji '609 does not recite "using a magnitude of a radio frequency signal." The claim does not require this: the claim requires using either a magnitude, an asymmetry value, or a jitter value of the radio frequency signal. One of these (the asymmetry value) is taught by Shoji '609 as discussed in the rejection, and therefore this argument is not persuasive.

Applicant then appears to repeat their arguments with respect to Shoji '131; these have already been discussed.

Applicant then argues that some of the dependent claims are allowable due to their earlier arguments with respect to the independent claims. Since those arguments were not found to be persuasive, this argument is not either.